



# THE GLIDDEN COMPANY

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Robert R. Kovalak  
Manager - Environmental Affairs

US EPA RECORDS CENTER REGION 5



September 9, 1988

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REMEDIAL &  
ENFORCEMENT  
RESPONSE BRANCH

Allison Hiltner (5HR-11)  
United States Environmental Protection Agency  
Waste Management Division  
Site Management Section  
230 South Dearborn Street  
Chicago, Illinois 60604

Re: 9th Avenue Site - Gary, Indiana; U.S. Scrap Site -- Chicago, Ill.

Dear Ms. Hiltner:

On behalf of The Glidden Company, this correspondence responds to the United States Environmental Protection Agency's ("U.S. EPA") "Special Notice of Potential Liability" letter dated July 7, 1988 and signed by Mary A. Gade, Acting Director, Office of Superfund, on the matters referenced above.

Glidden is part of a group of companies which are exploring the possibility of voluntarily performing response activities at the site provided certain conditions are satisfied. A separate letter on behalf of the group should have been sent to you under separate cover. Glidden would support such a voluntary response action provided 1) U.S. EPA can assist Glidden in confirming its involvement at the 9th Avenue Site; 2) the interested companies can reach acceptable terms among themselves and with other PRP companies for funding the response activities required at the site; and 3) the companies and U.S. EPA can reach an agreement as to the nature, extent and manner of work to be performed at the site, including agreement as to the terms of an administrative order by consent.

As to the first condition, Glidden has not been able to confirm the existence of a relationship with Steve Martell, and there is no reliable information available to determine what quantity of waste is alleged to have gone to each site. We, therefore, expect EPA's assistance in developing additional information. For example, we understand EPA is about to depose additional Martell employees and would like to have you question the employees in specific areas of inquiry. We also would like to have a representative present during the questioning.

Allison Hiltner, Esq.  
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Glidden is interested in resolving this matter. Therefore, to the extent that U.S. EPA has documentation of any kind which demonstrates Glidden's involvement or contribution to either of the above mentioned sites, pursuant to the Freedom of Information Act, Title 5, U.S.C.A., No. 552, we request that you provide us with copies of the same. Because Glidden received the general material made available to PRP's at the June, 9, 1988 meeting, EPA need only provide us with the additional materials which demonstrate the connection Glidden supposedly has to either or both of the sites.

Respecting the second condition, EPA is aware of the large number of identified PRP's and the short period of time provided for a group to coalesce. Naturally, as with any group activity, Glidden cannot individually agree to perform the response activity until the terms for participation among companies -- as well as the terms of the contemplated response activity -- are agreed to.

The third condition is relatively routine to this type of activity. Should the group undertake a response activity, Glidden expects it to be done pursuant to an administrative order by consent which contains acceptable terms and an acceptable work plan.

We would like to have a more definitive proposal to offer for your consideration at this time. However, we cannot proceed further until EPA provides us with the necessary documentation linking Glidden to the above CERCLA site.

Sincerely,

*R. Kovalak*  
Robert R. Kovalak,  
Manager-Environmental Affairs